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10  
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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

15 CRISSIE CARNELL BIXLER; CEDRIC  
16 BIXLER-ZAVALA; JANE DOE #1; MARIE  
17 BOBETTE RIALES; and JANE DOE #2,

18 Plaintiffs,

19 v.

20 CHURCH OF SCIENTOLOGY  
21 INTERNATIONAL; RELIGIOUS  
22 TECHNOLOGY CENTER; CHURCH OF  
23 SCIENTOLOGY CELEBRITY CENTRE  
24 INTERNATIONAL; DAVID MISCAVIGE;  
25 DANIEL MASTERSON; and DOES 1-25,

26 Defendants.

27 CASE NO. 19STCV29458

28 [Assigned to Hon. Steven J. Kleifield,  
Dept. 57]

**OPPOSITION OF DEFENDANT  
RELIGIOUS TECHNOLOGY CENTER  
TO MOTION TO SERVE BY  
PUBLICATION; DECLARATION OF  
MATTHEW D. HINKS**

Date: October 5, 2020

Time: 8:30 a.m.

Dept.: 57

1      **I. INTRODUCTION**

2      Defendant Religious Technology Center (“RTC”) hereby opposes Plaintiff’s motion to serve  
3      Defendant David Miscavige by publication.<sup>1</sup>

4           As set forth below, the motion should be denied. Service by publication is permitted only as  
5      a last resort. Fundamental principles of due process, and Code of Civil Procedure (“CCP”) § 415.50  
6      mandate that service by publication is reserved for situations where no other means of service are  
7      available because the defendant’s home and business addresses are unknown, defendant cannot be  
8      found and substitute service cannot be effected. Where, as here, the Plaintiffs claim to know the  
9      defendant’s home and business address, service by publication violates California law. The motion  
10     should be denied on this basis alone.

11        Plaintiffs purport to justify the motion on the sole basis that its prior service attempts have  
12     been unsuccessful. That is not sufficient grounds to permit service by publication. Plaintiffs have  
13     not shown, as they must under CCP § 415.50(a), that Mr. Miscavige “cannot with reasonable  
14     diligence be served in another manner” because there is little question that Plaintiffs have not been  
15     diligent at all. In connection with the Court’s ruling on Mr. Miscavige’s motion to quash in March  
16     2020, this Court held that Plaintiffs never served Mr. Miscavige with the original summons and  
17    

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18       

19       <sup>1</sup> Mr. Miscavige is the ecclesiastical leader of the Scientology religion and the Chairman of the  
20     Board of RTC. RTC would be negatively impacted by an order allowing its Chairman to be served  
21     by publication and therefore files this opposition to demonstrate to the Court the myriad reasons  
22     why Plaintiffs are not entitled to an order of service by publication. RTC, rather than its Chairman,  
23     opposes the motion to avoid the possibility that its Chairman will be deemed to have made a general  
24     appearance by filing an opposition. Given Mr. Miscavige’s position with RTC, RTC is directly  
25     impacted by the motion, has a beneficial interest as to its outcome and therefore has standing to  
26     oppose this motion in its own right. *Teal v. Superior Court*, 60 Cal. 4th 595, 599 (2014) (standing  
27     established where a party is beneficially interested in the controversy and has “some special interest  
28     to be served or some particular right to be preserved or protected over and above the interest held in  
common with the public at large”); cf. *Contractors’ State License Bd. v. Superior Court*, 23 Cal.  
App. 5th 125, 131 (2018) (motion for protective order brought by board to prevent apex deposition  
of its executive officer). Moreover, RTC has standing to assert the rights of its Chairman in these  
circumstances. See *Yelp Inc. v. Superior Court*, 17 Cal. App. 5th 1, 7 (2017) (litigant has standing  
to assert rights or interests of others where (1) the litigant has a concrete interest in the outcome of  
the dispute; (2) the litigant has a close relationship to the third party; and (3) there is some hindrance  
to the third party’s ability to protect his or her own interests).

1 complaint. At the conclusion of that hearing, Plaintiffs' counsel represented to the Court that he will  
2 "get Mr. Miscavige served."<sup>2</sup> *But, in the subsequent six months, Plaintiffs took no steps to*  
3 *effectuate service, either personally or through substitute service.*

4 Plaintiffs have failed to provide this Court with any reason to excuse them from the  
5 fundamental due process requirement that they serve each defendant with the summons and  
6 complaint. Nor have Plaintiffs established that they have complied with the requirements of CCP  
7 § 415.50, which are strictly construed, that would justify an order permitting them to serve by  
8 publication, including by establishing through competent evidence submitted pursuant to CCP  
9 § 415.50(a)(1) that a cause of action exists against Mr. Miscavige. Their motion should therefore be  
10 denied.

11 **II. STATEMENT OF FACTS**

12 **A. This Court Quashed Plaintiffs' False Proof of Service of the Original**  
13 **Complaint—the Same Proof of Service on Which Plaintiffs Now Rely**

14 Plaintiffs filed their original Complaint on August 22, 2019. [Declaration of Robert  
15 Thompson ("Thompson Decl."), ¶ 2.] On October 23, 2019, Plaintiffs filed an alleged proof of  
16 service of the summons and complaint stating under penalty of perjury that Mr. Miscavige was  
17 served on October 17. [Thompson Decl., Ex. A.] According to Plaintiffs' "proof of service," Mr.  
18 Miscavige was served by substitute service on October 17, 2019 at 10:20 a.m. at 6331 Hollywood  
19 Boulevard, Los Angeles, CA 90028. [*Id.*] The proof of service states that Robert Hall, a registered  
20 process server, served the summons, complaint and other documents on "'John Doe' Security," a  
21 male in his 60s. [*Id.*] The proof of service purports to bear Hall's signature stating "under penalty  
22 of perjury under the laws of the State of California that the foregoing is true and correct." [*Id.*]

23 Hall's purported substitute service of Mr. Miscavige on October 17, 2019 was a fabrication.  
24 As demonstrated in a declaration submitted to this Court in support of Defendants' motions to quash,  
25 Lewis Miranda is the lobby receptionist for the building at 6331 Hollywood Boulevard in Los  
26 Angeles. [*See* Hinks Decl., Ex. B (Declaration of Lewis Miranda ("Miranda Decl."), ¶ 2.)] Mr.  
27

28 <sup>2</sup> See Declaration of Matthew D. Hinks ("Hinks Decl."), Exh. A, at 7:7-8.

1 Miranda's sworn declaration, and the security video archive recordings maintained by Defendants,  
2 show that Hall never approached or entered the building at 6331 Hollywood Blvd. on October 17.  
3 [Miranda Decl., ¶ 2 (no process server came into the building on that date; no process server (or  
4 anyone else) said that he had documents for Mr. Miscavige; Hall never spoke to the receptionist on  
5 that date; and Hall never delivered any documents to anyone else at 6331 Hollywood Blvd. on that  
6 date).]

7 This Court granted Mr. Miscavige's motion, quashing the purported service. [See Thompson  
8 Decl., Ex. I (March 11, 2020 Tentative Ruling) at 4-5.] Specifically, the Court ruled:

9 The weight of the evidence cuts against Plaintiffs. The presumption of service is  
10 outweighed by the declarations of Lynn Farney, Warren McShane and Lewis  
11 Miranda. The motion to quash is GRANTED as to Miscavige. This is not a  
12 determination that the proofs of service were "fraudulent" — service was not  
accomplished, so Defendant Miscavige has not been properly brought into the  
action. ... The motion to quash as to Miscavige is granted.

13 [Thompson Decl., Ex. I (March 11, 2020 Tentative Ruling) at 4-5.] Plaintiffs now rely on this same  
14 false proof of service of the original complaint as justification for their failure to attempt to serve  
15 Mr. Miscavige with the operative pleading, the First Amended Complaint (the "FAC"). [See Motion  
16 at 6:23-7:1; Thompson Decl., ¶¶ 2-3.]

17 Plaintiffs also claim that a Los Angeles County Sheriff attempted to serve Mr. Miscavige  
18 with the original complaint once, on January 28, 2020, more than six weeks before the hearing on  
19 Mr. Miscavige's motion to quash. [Thompson Decl., ¶ 10 & Ex. G (Jan. 28, 2020 Villasenor  
20 Declaration of Due Diligence).] Plaintiffs never mentioned this service attempt in opposition to the  
21 motion to quash, and failed to file the related proof of service until March 3, 2020, after they filed  
22 the FAC.

23       **B.     Plaintiffs Filed, But Never Attempted to Serve Mr. Miscavige With, the First**  
24       **Amended Complaint**

25 On February 28, 2020, twelve days before this Court's March 11, 2020 Order quashing  
26 Plaintiffs' purported service of the original complaint on Mr. Miscavige, Plaintiffs filed the FAC.  
27 Plaintiffs provide no evidence of ever having attempted to serve Mr. Miscavige with the FAC.  
28 Instead, Plaintiffs attach a letter from Mr. Miscavige's counsel dated April 1, 2020, in which counsel

1 declined to sign a notice and acknowledgement of service at that time due to issues surrounding the  
2 burgeoning pandemic. [Thompson Decl., Exh. J.] Plaintiffs then apparently did nothing more for 6  
3 months. On August 31, 2020, Plaintiffs' counsel paid \$26.89<sup>3</sup> for a report from a website called  
4 BeenVerified.com, which, according to its disclaimer, is a database of public-available information  
5 as to which BeenVerified does not represent or warrant its accuracy. [Thompson Decl., Exh. J.]  
6 There is no indication that Plaintiffs did anything with the information received from  
7 BeenVerified.com except attach it to Mr. Thompson's declaration when he filed it 4 days later.

8 **III. ARGUMENT**

9       **A. Service by Publication Is Allowed Only as a Last Resort After a Party Has**  
10           **Exhausted All Other Means of Service**

11           Due process requires that service by publication be permitted only as a last resort when no  
12 other means of service (including substitute service) are available because the defendant cannot be  
13 found and both his home and business addresses are unknown. *See Calvert v. Al Binali*, 29 Cal. App.  
14 5th 954, 963 (2018) (“Consistent with the notions of fair play and due process, substituted service  
15 by publication is a ‘last resort’ when ‘reasonable diligence to locate a person in order to give him  
16 notice before resorting to the fictional notice afforded by publication’ has been exercised.”) (citing  
17 *Donel, Inc. v. Badalian*, 87 Cal. App. 3d 327, 332 (1978)); *see also Watts v. Crawford*, 10 Cal. 4th  
18 743, 749 n.5 (1995) (holding “constitutional principles of due process of law, as well as the  
19 authorizing statute, require that service by publication be utilized only as a last resort”); *Kott v.*  
20 *Superior Court*, 45 Cal. App. 4th 1126, 1137 (1996) (“[W]hen notice is a person’s due, process  
21 which is a mere gesture is not due process.”) (quoting *Mullane v. Central Hanover Bank & Trust*  
22 *Co.*, 339 U.S. 306, 315 (1950)).

23           Plaintiffs do not meet this high standard. Indeed, they repeatedly assert that they know both  
24 Mr. Miscavige’s home and business address. [*See, e.g.*, Motion at 3:23-24, 4:4-5, 6:23-25.] This  
25 alone is reason enough to deny the Motion.

26           Instead, Plaintiffs invent an entirely new standard and argue that service by publication is

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28 <sup>3</sup> \$26.89 for a one month membership: [https://www.beenverified.com/lp/32fc4f/5/subscribe?hide-  
fcra=true#](https://www.beenverified.com/lp/32fc4f/5/subscribe?hide-fcra=true#).

1 permitted merely if their purported attempts at service fail. This is not the law. Plaintiffs offer no  
2 support for their assertion, nor do they explain their failure to employ the other forms of service  
3 required by CCP § 415.50 (such as substitute service).

4        But even if Plaintiffs' novel standard were sufficient to permit service by publication, and it  
5 is not, Plaintiffs have not met, and cannot meet, their own standard. Despite claiming an inability to  
6 serve Mr. Miscavige using "reasonable and diligent" efforts, [see Motion at 2:10-12, 3:8-9, 7:10],  
7 Plaintiffs admit that in the six months since they filed the FAC, they have never attempted to serve  
8 Mr. Miscavige, either personally or through substitute service. Plaintiffs' assertions that Mr.  
9 Miscavige "is intentionally avoiding service" and "continues to evade service," is flat out untrue  
10 and unsupported by any facts.

11        **B. Plaintiffs Have Not Met the Exacting Standard for Service by Publication**

12        CCP § 415.50(a) provides that:

13        A summons may be served by publication if upon affidavit it appears to the  
14 satisfaction of the court in which the action is pending that the party to be served  
15 cannot with reasonable diligence be served in another manner specified in this article  
and that either:

16        (1) A cause of action exists against the party upon whom service is to be made or he  
or she is a necessary or proper party to the action.

17        (2) The party to be served has or claims an interest in real or personal property in this  
state that is subject to the jurisdiction of the court or the relief demanded in the action  
18 consists wholly or in part in excluding the party from any interest in the property.

19 CCP § 415.50(a). CCP § 415.50(a)(2) does not apply here. Accordingly, to obtain an order  
20 permitting them to serve by publication, Plaintiffs must establish that (1) Mr. Miscavige "cannot  
21 with reasonable diligence be served in another manner specified in this article"; and (2) "a cause of  
22 action exists against" him or he "is a necessary or proper party to the action". Section 415.50 is  
23 "strictly construed;" for "[i]f there is any situation in which strict compliance can reasonably be  
24 required, it is that of service by publication." *Calvert*, 29 Cal. App. 5th at 963 (citations omitted).  
25 Service by publication is permitted only "where a defendant's whereabouts and his dwelling house  
26 or usual place of abode, etc., cannot be ascertained with reasonable diligence, and where no person  
27 who may be served on his behalf can be located with reasonable diligence." See Judicial Council

1 Comments to Cal. Civ. Proc. Code § 415.50 (West).<sup>4</sup>

2 “Consistent with the notions of fair play and due process, substituted service by publication  
3 is a ‘last resort’ when ‘reasonable diligence to locate a person in order to give him notice before  
4 resorting to the fictional notice afforded by publication’ has been exercised.” *Calvert*, 29 Cal. App.  
5 5th at 963 (citation omitted). Thus, service by publication, an extraordinary procedure, cannot be  
6 used simply because personal or substitute service is inconvenient.

7 “If a defendant’s address is ascertainable, a method of service superior to publication **must**  
8 be employed, because constitutional principles of due process of law, as well as the authorizing  
9 statute, require that service by publication be utilized only as a last resort.” *Watts*, 10 Cal. 4th at 749  
10 n.5 (emphasis added); *see also Bd. of Trustees of Leland Stanford Junior Univ. v. Ham*, 216 Cal.  
11 App. 4th 330, 338 (2013) (citing *Watts*, 10 Cal. 4th at 749 n.5); *Ewing v. Pollard*, 2019 WL 4736201.  
12 at \*2 (S.D. Cal. Sept. 27, 2019) (applying California law and denying request to serve by publication  
13 because the plaintiff did not claim not to know the defendant’s address); Judicial Council Comments  
14 to Cal. Civ. Proc. Code § 415.50 (West) (“If a defendant’s address is known before an order is made  
15 for publication, service must be effectuated by another method of service specified in this article.”).

16 Here, Plaintiffs do not claim that Mr. Miscavige’s address is “unascertainable.” To the  
17 contrary, Plaintiffs repeatedly assert that Mr. Miscavige both resides and works at 6331 Hollywood  
18 Boulevard, Los Angeles, California 90028. [See Motion at 3:23-24, 4:4-5, 6:23-25, Thompson  
19 Decl., ¶ 15 & Ex. K (BeenVerified Search Results).] Thus, Section 415.50 and fundamental notions  
20 of due process require that Plaintiffs attempt service of the FAC there.

21 Plaintiffs’ counsel represented to the Court at the March 11, 2020 hearing on the Motion to  
22 Quash that they would “get Miscavige served.” [Hinks Decl., Exh. A at 7:7-8.] Plaintiffs have not  
23 even tried. [Thompson Decl., ¶¶ 11-15 (demonstrating no efforts to serve Mr. Miscavige personally  
24 or by substitute service since the FAC was filed on February 28, 2020).] Plaintiffs’ past failure

25  
26  
27 <sup>4</sup> Judicial Council commentary provides persuasive authority as to the interpretation of a statute.  
28 *See Gibble v. Car-Lene Research, Inc.*, 67 Cal. App. 4th 295, 304 n.7 (1998) (finding error where trial court discounted Judicial Council commentary because while such commentary is not binding authority, “California courts often look to such commentary for guidance . . .”).

1 (once) to serve Mr. Miscavige does not mean that service cannot be accomplished, nor does it excuse  
2 Plaintiffs from serving Mr. Miscavige through a method authorized and required by CCP § 415.50.

3       **C.     Plaintiffs Have Not Met Their Own Fictional Standard**

4       Plaintiffs argue that they should be allowed to serve the FAC by publication because they  
5 have made “repeated, reasonable and diligent efforts to effect personal and substituted service,” but  
6 have been unsuccessful. [Motion at 7:10-11.] The evidence proves otherwise.

7       As detailed above, Plaintiffs have failed to demonstrate any such efforts. But, in any event,  
8 service by publication is not proper where the plaintiffs know the defendants’ address. Thus, even  
9 if Plaintiffs’ newly-minted “effort” standard applied—it does not—Plaintiffs have not met it. Nor  
10 have they established that Mr. Miscavige cannot reasonably be served through any of the methods  
11 required by California law, such as by substituted service. Plaintiffs’ complete failure to attempt  
12 service of the FAC over the past six months is fatal to this Motion, even under Plaintiffs’ incorrect  
13 standard, as it alone demonstrates Plaintiffs’ lack of diligence.

14       Plaintiffs rely again on Robert Hall’s alleged attempts to serve Mr. Miscavige with the  
15 *original complaint* at 6331 Hollywood Boulevard, Los Angeles, California 90028 on October 7,  
16 2019, October 10, 2019, October 15, 2019, and October 17, 2019. But, this Court already held that  
17 this purported service did not occur.<sup>5</sup> [See Thompson Decl., Ex. I (March 11, 2020 Tentative Ruling)  
18 at 4-5 (the Court: “the weight of the evidence”—including security video images of the dates and  
19 times of the purported service attempts along with declarations from the lobby receptionist present  
20 at the time--“cut against Plaintiffs” such that this alleged “service was not accomplished”).]

21       Moreover, the Los Angeles Sheriff’s Department’s one unsuccessful attempt to effect  
22 service of the original complaint on Mr. Miscavige at the 6331 Hollywood Blvd. address does not  
23 demonstrate that Mr. Miscavige cannot be served with the FAC there. One attempt at personal  
24 service (which is, at most, what Plaintiffs have demonstrated) is not “diligence,” *see Am. Express*  
25 *Centurion Bank v. Zara*, 199 Cal. App. 4th 383, 389 (2011) (noting that, for substitute service, two  
26

27       <sup>5</sup> At the hearing on Mr. Miscavige’s Motion to Quash, Plaintiffs did not attempt to persuade the  
28 Court of the validity of the service: The Court: “Is there any argument on the motions to quash?”  
Mr. Thompson: “No, your honor. We’ll get Miscavige served.” [Hinks Decl., Ex. A at 7:5-8.]

1 or three attempts at personal service are required to show reasonable diligence), and, as detailed  
2 *supra*, service by publication is never the remedy for an unsuccessful attempt at personal service.  
3 *See Watts*, 10 Cal. 4th at 749 n.5 (1995); *Ewing*, 2019 WL 4736201. at \*2.

4 Further, Plaintiffs' claim that they should be permitted to serve Mr. Miscavige by publication  
5 because Mr. Miscavige declined to accept service through the notice and acknowledgement  
6 procedure. This is both factually, and legally, incorrect. Mr. Miscavige's counsel offered to sign the  
7 Notice and Acknowledgment of Receipt of the original complaint if Plaintiffs would withdraw the  
8 fraudulent proof of service. [See Thompson Decl., Ex. B (Mr. Miscavige's counsel's December 19,  
9 2019 letter: "When you withdraw the fraudulent Proofs of Service for Mr. Miscavige, we will sign  
10 the Notices.").] Counsel for Plaintiffs and Mr. Miscavige were ultimately unable to reach a suitable  
11 stipulation. [Thomson Decl., Exhs. C, D, E, J.]

12 Plaintiffs offer no authority for the proposition that a party's attorney must accept service of  
13 a complaint. In fact, the law is exactly the opposite: a defendant is not required to accept service  
14 through the notice and acknowledgment procedure, and a refusal to do so does not authorize service  
15 by publication. *See Thierfeldt v. Marin Hosp. Dist.*, 35 Cal. App. 3d 186, 199 (1973) (if a defendant  
16 fails to return the acknowledgment form, service is not effective); *Watts*, 10 Cal. 4th at 749 n.5 ("If  
17 a defendant's address is ascertainable, a method of service superior to publication *must* be employed,  
18 because constitutional principles of due process of law, as well as the authorizing statute, require  
19 that service by publication be utilized only as a last resort.").

20 Plaintiffs have not established that Mr. Miscavige cannot be served personally or via  
21 substitute service, as required by California statute and fundamental notions of constitutional due  
22 process. Because Plaintiffs repeatedly claim to know Mr. Miscavige's address, California law  
23 prohibits the extraordinary procedure of service by publication. The Motion should therefore be  
24 denied.

25       **D.     The Motion Should Also Be Denied Because Plaintiffs Have Failed to Establish**  
26       **the Existence of a Viable Cause of Action Against Mr. Miscavige Under CCP**  
27       **§ 415.50(a)(1)**

28       In addition to establishing reasonable diligence, to obtain an order allowing service by

1 publication, Plaintiffs must establish that, “[a] cause of action exists” against Mr. Micavige or that  
2 he is “a necessary or proper party to the action”. CCP § 415.50(a)(1).

3 According to the court in *Harris v. Cavasso*, 68 Cal. App. 3d 723, 726–27 (1977) (internal  
4 alterations and quotations omitted):

5 For the purpose of service by publication, the existence of a cause of action is a  
6 jurisdictional fact. An affidavit in proper form is a jurisdictional basis of the order  
7 for publication: There must be an affidavit containing a statement of some fact which  
8 would be legal evidence, having some appreciable tendency to make the  
jurisdictional fact appear, for the Judge to act upon before he has any jurisdiction to  
make the order. Unless the affidavit contains some such evidence tending to establish  
every material jurisdictional fact, the Judge has no legal authority to be satisfied, and,  
if he makes the order, he acts without jurisdiction, and all proceedings based upon it  
are void.

10  
11 Mr. Thompson’s declaration includes no facts that would satisfy this standard. Instead,  
12 Plaintiffs apparently rely on the form application for publication, which contains a form “declaration  
13 of merits,” which repeats, on information and belief, the statutory language:

14 I am informed and believe that Davis Miscavige is a necessary party to my complaint  
15 or petition on file herein, or the complaint or petition correctly states a cause of action  
against defendant/respondent and is incorporated by reference as though fully set out.

16 This is not sufficient. Pleading on information and belief does not satisfy CCP  
17 § 415.50(a)(1). *Cavasso*, 68 Cal. App. 3d at 726 (verification of a complaint on information and  
18 belief “is no substitute for the sworn statement of facts which section 415.50 requires of the affiant”);  
19 *Sanford v. Smith*, 11 Cal. App. 3d 991, 999–1000 (1970) (pleading on information and belief “falls  
20 far short of the laws’ requirement of ‘probative facts of the declarant’s own knowledge’”).  
Moreover, the form declaration is conclusory and contains no supporting facts. While the form  
21 declaration purports to incorporate the allegations of the complaint, that too is insufficient. *Cavasso*,  
22 68 Cal. App. 3d at 726 (“The predecessor statute (former Code Civ.Proc., s 412) expressly allowed  
23 the showing of a cause of action to be made *either* by separate affidavit or by the *verified* complaint  
24 itself. In 1969, however, upon enactment of section 415.50, the latter alternative was omitted, and  
25 the new section on its face permits such showing to be made only by affidavit. Upon such legislative  
26 action there arises a presumption that a substantial change in the law was intended”).

27  
28 In short, to obtain an order permitting them to serve by publication, Plaintiffs were required

1 but failed to file an affidavit or declaration establishing the existence of a viable cause of action  
2 against Mr. Miscavige through “probative facts” based on “the declarant's own knowledge”.  
3 *Sanford*, 11 Cal. App. 3d at 999–1000. Plaintiffs have therefore failed to establish a “jurisdictional  
4 basis” for the order they seek. *Cavasso*, 68 Cal. App. 3d at 726–27.

5 **IV. CONCLUSION**

6 For all of the foregoing reasons, Plaintiffs have failed to establish a right to serve Mr.  
7 Miscavige by publication. Their motion must be denied.

8  
9 DATED: September 22, 2020

JEFFER MANGELS BUTLER & MITCHELL LLP  
ROBERT E. MANGELS  
MATTHEW D. HINKS

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11 By:  
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16 TECHNOLOGY CENTER  
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**DECLARATION OF MATTHEW D. HINKS**

I, Matthew D. Hinks, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Jeffer Mangels Butler & Mitchell LLP, attorneys of record for Defendant Religious Technology Center (“RTC”). I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of RTC’s Opposition to Motion to Serve by Publication.

2. Attached hereto as Exhibit A is a true and correct copy of the transcript of the hearing on Defendants' motion to quash on March 11, 2020.

10       3. Attached hereto as Exhibit B is a true and correct copy of the Declaration of Lewis  
11 Miranda filed in support of Defendants' opposition to their motions to quash, which was filed with  
12 this Court on November 18, 2019. Due to its length, the declaration is being filed without its exhibits.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 22nd day of September, 2020, at Los Angeles, California.

*[Signature]*

Matthew D. Hinks

# **EXHIBIT A**

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF LOS ANGELES, CENTRAL DISTRICT  
3 DEPARTMENT 57 HON. STEVEN J. KLEIFIELD, JUDGE

4  
5 CRISSIE CARNEL BIXLER; CEDRIC )  
6 BIXLER-ZAVALA; JANE DOE #1; MARIE )  
7 BOBETTE RIALES; AND JANE DOE #2, )  
8 ) CASE NO.  
9 PLAINTIFF, ) 19STCV29458  
10 )  
11 V. )  
12 )  
13 CHURCH OF SCIENTOLOGY )  
14 INTERNATIONAL; RELIGIOUS TECHNOLOGY )  
15 CENTER; CHURCH OF SCIENTOLOGY )  
16 CELEBRITY CENTRE INTERNATIONAL; )  
17 DAVID MISCavigE; DANIEL MASTERSON; )  
18 AND DOES 1-25, )  
19 )  
20 DEFENDANTS. )  
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16 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
17 WEDNESDAY, MARCH 11, 2020

21 (APPEARANCES ON NEXT PAGE.)

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2

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LOS ANGELES, CALIFORNIA 90067

13

14 ELKINS, KALT, WEINTRAUB,  
REUBEN & GARTSIDE, LLP  
15 BY: JEFFREY K. RIFFER, ESQ.  
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16 LOS ANGELES, CALIFORNIA 90064

17 LAVELY & SINGER  
18 BY: ANDREW B. BRETTLER, ESQ.  
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20 REPORTED BY: MONICA CASTANEDA  
OFFICIAL REPORTER PRO TEMPORE

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1 CASE NUMBER: 19STCV29458  
2 CASE NAME: BIXLER V. CHURCH OF  
3 SCIENTOLOGY INTERNATIONAL  
4 LOS ANGELES, CALIFORNIA WEDNESDAY, MARCH 11, 2020  
5 DEPARTMENT 57 HON. STEVEN J. KLEIFIELD,  
6 APPEARANCES: (AS HERETOFORE NOTED.)  
7 REPORTER: MONICA CASTANEDA, CSR 10323  
8 TIME: MORNING SESSION  
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14 (PROCEEDINGS HELD IN OPEN COURT.)  
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20 THE COURT: BIXLER.  
21 MR. THOMPSON: GOOD MORNING, YOUR HONOR.  
22 ROBERT THOMPSON FOR THE PLAINTIFFS.  
23 MR. BERRY: GOOD MORNING, YOUR HONOR.  
24 GRAHAM BERRY ALSO FOR THE PLAINTIFFS.  
25 MR. MANGELS: GOOD MORNING, YOUR HONOR.  
26 ROBERT MANGELS AND MATT HINKS FOR RTC  
27 DEFENDANT.  
28 MR. RIFFER: GOOD MORNING, YOUR HONOR.

1 JEFF RIFFER ESPECIALLY APPEARING FOR MR. DAVID  
2 MISCAVIGE.

3 MR. FORMAN: GOOD MORNING, YOUR HONOR.  
4 BILL FORMAN FOR DEFENDANTS CHURCH OF  
5 SCIENTOLOGY INTERNATIONAL AND CELEBRITY CENTRE  
6 INTERNATIONAL.

7 MR. BRETTLER: AND GOOD MORNING, YOUR HONOR.  
8 ANDREW BRETTLER FOR DANNY MASTERSON.

9 THE COURT: WELL, WE HAVE SEVERAL MATTERS ON  
10 CALENDAR THIS MORNING. ALTHOUGH, THERE ARE NOT THAT  
11 MANY ISSUES REALLY TO CONFRONT. WE HAVE SEVERAL MOTIONS  
12 TO BE ADMITTED PRO HOC VICE IF -- IT'S SOMEWHAT UNUSUAL  
13 TO HAVE SO MUCH CONTROVERSY ABOUT ADMITTING ATTORNEYS  
14 PRO HOC. BUT I DID -- I DID ISSUE A TENTATIVE RULING.  
15 AND THERE WERE PROCEDURAL ISSUES WITH THE MOTIONS.

16 MR. THOMPSON: YOUR HONOR, I SAW YOUR  
17 TENTATIVE. I'LL HAVE SUPPLEMENTAL DECLARATIONS FILED BY  
18 MONDAY. IF YOU WANT TO HAVE A SECONDARY -- OR A SECOND  
19 HEARING ON THE PRO HOC MOTIONS, WE DO HAVE ANOTHER  
20 HEARING ON MARCH 27TH IN THIS MATTER ON DEFENDANTS'  
21 MOTIONS TO COMPEL ARBITRATION. I REQUEST THAT THE  
22 HEARING ON THE PRO HOCS BE CONTINUED TO THAT DATE.

23 MR. FORMAN: YOUR HONOR, THERE WILL BE NO  
24 HEARING ON THE 27TH ON THE MOTIONS TO COMPEL  
25 ARBITRATION. THERE'S BEEN AN AMENDED COMPLAINT THAT'S  
26 BEEN FILED. WE'RE GOING TO BE FILING NEW PETITIONS TO  
27 COMPEL ARBITRATION IN RESPONSE TO THE AMENDED COMPLAINT.

28 THE COURT: LET'S SEE WHEN -- THAT WAS FILED

1 FEBRUARY 28TH.

2 MR. FORMAN: CORRECT.

3 THE COURT: THE AMENDED --

4 MR. FORMAN: SO THAT TOOK THE DEMURRER OFF  
5 CALENDAR. AND THERE WAS ALSO SOME DEFENDANTS ANSWERED  
6 BY PETITIONS TO COMPEL ARBITRATION AND WE'LL BE FILING  
7 NEW PETITIONS IN RESPONSE TO THE AMENDED COMPLAINT.

8 THE COURT: WELL, SO LET'S -- LET'S TAKE A LOOK  
9 AT THOSE -- THOSE DATES NOW. SO YOU'RE SAYING THAT THIS  
10 MOOTS THE DEMURRERS AND THE MOTIONS TO COMPEL  
11 ARBITRATION?

12 MR. FORMAN: CORRECT, YOUR HONOR.

13 THE COURT: SO THOSE ARE SET FOR MARCH -- THE  
14 DEMURRERS ARE SET FOR MARCH 20TH. THE MOTIONS TO COMPEL  
15 ARBITRATION ARE SET FOR MARCH 27TH. SO THOSE SHOULD ALL  
16 GO OFF CALENDAR.

17 MR. MANGELS: IT'S OUR VIEW, YES. I GUESS  
18 SO --

19 MR. RIFFER: DOESN'T MATTER TO US.

20 THE COURT: WELL, I GUESS SO.

21 MR. THOMPSON: ONE OTHER POINT, YOUR HONOR, WE  
22 FILED A NOTICE OF WITHDRAWAL AS TO TWO OF THE PRO HOC  
23 MOTIONS YESTERDAY AS TO --

24 THE COURT: I DIDN'T SEE THAT. I SEE THEM NOW.

25 MR. THOMPSON: AS TO LEO BUCHERO AND RICARDO  
26 MARTINEZ, CID. THEY'RE NO LONGER PARTICIPATING IN THE  
27 CASE. SO WE WITHDREW THOSE TWO PRO HOC MOTIONS.

28 THE COURT: SO BUCHERO, THAT'S THE ONE THAT WAS

1 GOING TO --

2 MR. THOMPSON: CORRECT.

3 THE COURT: -- THAT WAS GOING TO --

4 MR. FORMAN: THAT'S THE ONE YOU GRANTED.

5 THE COURT: THE ONE I GRANTED. WELL, I WON'T  
6 GRANT IT. ALL RIGHT. THAT ONE IS WITHDRAWN. OKAY  
7 THEN.

8 MR. THOMPSON: WELL, IN ANY EVENT, WE'LL HAVE  
9 THE SUPPLEMENTAL DECLARATIONS FILED BY MONDAY. IF YOU  
10 WANT TO HAVE A SUPPLEMENTAL HEARING ON THAT, YOUR HONOR,  
11 WE'RE HAPPY TO COME BACK DOWN AND DO THAT.

12 THE COURT: WELL, LET'S --

13 MR. THOMPSON: OR YOU CAN JUST RULE ON THE  
14 PAPERS.

15 THE COURT: WELL, NO. I DON'T -- NO. I  
16 SUPPOSE THEY SHOULD BE GIVEN AN OPPORTUNITY TO RESPOND  
17 TO THE DECLARATIONS. SO WE'LL NEED TO CONTINUE THE  
18 HEARING. BUT LET ME JUST LOOK AT DATES NOW. THOSE ARE  
19 ALL THE FUTURE DATES I THINK THAT WE HAVE FOR THOSE --  
20 THE DEMURRERS AND THE MOTIONS TO COMPEL. SO WHAT WE'LL  
21 BE DOING IS, I THINK -- WELL, I GUESS WE'LL BE  
22 CONTINUING THE CASE MANAGEMENT CONFERENCE.

23 MR. RIFFER: CORRECT.

24 THE COURT: I THINK WE WILL BECAUSE I DON'T  
25 KNOW IF IT WILL BE WORTH IT TO SET FOR TRIAL RIGHT NOW.

26 MR. RIFFER: NO ONE'S ANSWERED, YOUR HONOR.

27 THE COURT: NOBODY'S ANSWERED. WELL, THAT DOES  
28 MAKE A DIFFERENCE.

1 MR. MANGELS: AND WE WILL BE FILING A MOTION TO  
2 COMPEL ARBITRATION IN THE FUTURE.

3 THE COURT: LET ME ASK YOU THIS, THOUGH. THE  
4 MOTIONS TO COMPEL ARBITRATION, WHO SHOULD BE HEARING A  
5 DEMURRER IF THERE'S A MOTION TO COMPEL ARBITRATION? IN  
6 OTHER WORDS, WHETHER A CAUSE OF ACTION IS STATED, IS  
7 THAT SOMETHING UNDER YOUR ARBITRATION AGREEMENTS THAT  
8 SHOULD BE DECIDED BY THE COURT OR BY THE ARBITRATOR?

9 MR. FORMAN: THE DEMURRER IS BEING BROUGHT  
10 AGAINST THE ONE PLAINTIFF WHO DOES NOT HAVE AN  
11 ARBITRATION AGREEMENT WITH US.

12 THE COURT: I SEE.

13 MR. FORMAN: ALL THE OTHER PLAINTIFFS, WE'RE  
14 MOVING TO COMPEL ARBITRATION ON. SO IT'S JUST BOBETTE  
15 RIALES WHO'S BEING -- WHOSE COMPLAINT IS BEING DEMURRED  
16 TO.

17 THE COURT: OKAY. I GUESS THAT ANSWERS THAT.

18 MR. MANGELS: I DON'T WANT TO SPEAK FOR  
19 MR. MASTERSON'S ATTORNEY, BUT HE HAD A DEMURRER TOO;  
20 SO --

21 THE COURT: OH, SORRY.

22 MR. BRETTLER: WELL, THAT'S FINE. WE HAD  
23 DEMURRERS AS TO ALL THE PLAINTIFFS.

24 THE COURT: OKAY. BUT THE FIRST AMENDED  
25 COMPLAINT WAS AS TO ALL THE PLAINTIFFS?

26 MR. BRETTLER: CORRECT, YOUR HONOR. I WILL  
27 SAY, HOWEVER, THAT I AM DISTURBED BY THE FACT THAT WE  
28 HAD THE MEET AND CONFER WITH PLAINTIFF'S COUNSEL IN

1 ADVANCE OF FILING THE DEMURRER, THEY BARELY PARTICIPATED  
2 IN THE MEET AND CONFER. DID NOT SUBSTANTIVELY PROVIDE  
3 ANY RESPONSES TO THE ISSUES WE RAISED. WE FILED OUR  
4 DEM -- AND THEY TELL US THEY'RE NOT AMENDING THE  
5 COMPLAINT. THEY'RE NOT MAKING ANY OF THE CHANGES WE'VE  
6 REQUESTED.

7 WE FILED OUR DEMURRER AND THEN THEY FILED AN  
8 AMENDED COMPLAINT TO MAKE US HAVE TO GO THROUGH THE SAME  
9 EXERCISE AGAIN. I THINK IT'S SHARP PRACTICES. I THINK  
10 IT'S IMPROPER. I KNOW THE CODE Allows FOR IT BUT THE  
11 CODE ALSO HASN'T BEEN UPDATED SINCE THE MEET AND CONFER  
12 STATUTE WAS ADDED. AND I WOULD JUST CAUTION THEM THAT  
13 IF WE'RE GOING TO GO THROUGH THIS MEET AND CONFER  
14 PROCESS AGAIN, AND THEY TRY TO PULL THE SAME STUNT, THAT  
15 WE WILL BE MOVING FOR SANCTIONS.

16 MR. THOMPSON: YOUR HONOR, LET ME RESPOND TO  
17 THAT BRIEFLY. WE DID PARTICIPATE BY PHONE IN A MEET AND  
18 CONFER WITH COUNSEL. WE DID INFORM THE DEFENDANTS THAT  
19 WE WERE GOING TO AMEND THE COMPLAINT. SO I'M NOT SURE  
20 WHAT HE'S TALKING ABOUT.

21 THE COURT: OKAY. WELL, THANK YOU FOR THE  
22 INFORMATION. I WILL EXPECT THAT THE MEET AND CONFER  
23 REQUIREMENT WILL BE COMPLIED WITH. THAT THERE'S SOME  
24 DISCUSSION OR CRITICISM OF THAT STATUTE IS NOT REALLY  
25 HAVING MUCH OF THE WAY OF TEETH. BUT IT IS A  
26 REQUIREMENT. DEFINITELY A REQUIREMENT AND I CAN'T -- I  
27 CAN'T DENY OR OVERRULE A DEMURRER BASED ON FAILURE TO  
28 MEET AND CONFER. SOMETIMES WHAT HAPPENS IS THEY RESULT

1 IN CONTINUANCES; SO -- AND IF THERE'S GOING TO BE  
2 ANOTHER AMENDED COMPLAINT THAT HAS TO BE A LEAVE OF  
3 COURT, OBVIOUSLY.

4 WELL, THEN I SUPPOSE -- WHAT ABOUT THE MOTIONS  
5 TO QUASH, WE NEED TO HEAR THAT. IS THERE ANY ARGUMENT  
6 ON THE MOTIONS TO QUASH?

7 MR. THOMPSON: NO, YOUR HONOR. WE'LL GET  
8 MISCAVIGE SERVED.

9 MR. RIFFER: WE'LL SUBMIT ON THE TENTATIVE,  
10 YOUR HONOR.

11 MR. FORMAN: YOUR HONOR, SPEAKING FOR CHURCH OF  
12 SCIENTOLOGY INTERNATIONAL AND CELEBRITY CENTRE, WE  
13 DON'T -- WE'RE FINE WITH THE SUBSTANCE OF THE COURT'S  
14 RULING THAT THE MOTIONS ARE MOOT. BUT I DO THINK  
15 THERE'S A BIGGER ISSUE HERE OF OUR REQUEST TO STRIKE THE  
16 ORIGINAL PROOFS OF SERVICE FROM THE RECORD. WE CITED IN  
17 OUR PAPERS THE CASE OF CAPITAL V. BARTLETT, WHICH SAYS,  
18 QUOTE:

19 "CHAOS WOULD RESULT IF THE LEGAL COMMUNITY  
20 COULD NOT DEPEND ON THE TRUTHFULNESS OF  
21 DECLARATIONS OF SERVICE OF PROCESS. PUBLIC  
22 POLICY REQUIRES THAT BE REGARDED AS SERIOUS  
23 WITH CONSEQUENCES SUFFICIENTLY ADVERSE TO ACT  
24 AS A DETERRENTS."

25 WE HAVE HERE PROOFS OF SERVICE FILED WITH THE  
26 COURT THAT ARE FALSE. WE HAVE THEM SUBMITTED BY A  
27 PROCESS SERVER WHO IS FOUND IN ANOTHER PROCEEDING TO NOT  
28 BE CREDIBLE. WE HAVE VIDEO FOOTAGE FOR THE DAYS HE

1 SHOWED UP -- OR FOR THE DAYS HE CLAIMED THAT HE SHOWED  
2 UP SHOWING THAT HE NEVER APPEARED. WE LOOKED AT ALL THE  
3 VIDEO FOR THOSE DATES. NOT JUST THE TIMES HE SAID HE  
4 WAS GOING TO SHOW UP AND HE WAS NOT THERE, EXCEPT ON ONE  
5 DAY, OCTOBER 10TH.

6 IN ONE OF THE -- ON ONE OF THOSE DAYS, OCTOBER  
7 7TH, HE SAID THAT OUR RECEPTIONIST WAS EVASIVE WITH HIM.  
8 HE NEVER SHOWED UP ON OCTOBER 7TH. I THINK IT'S AN  
9 INJUSTICE TO LET THOSE PROOFS OF SERVICE REMAIN ON  
10 RECORD AND I WOULD ASK THAT THEY BE STRICKEN.

11 MR. MANGELS: YOUR HONOR, COULD I JUST ADD ON  
12 BEHALF OF RTC. THEY DOUBLED DOWN ON THIS PROBLEM. WE  
13 RAISED ALL THESE POINTS, THEY COME BACK AND SAY, "OH,  
14 NO. WE DID EVERYTHING FINE." SO THEY COULD HAVE  
15 WITHDRAWN THEM. THEY COULD HAVE TAKEN UP THE SUGGESTION  
16 FROM COUNSEL TO WITHDRAW THEM, AVOIDED ALL OF THESE  
17 MOTIONS. THEY CHOSE NOT TO. THEY DOUBLED DOWN. AND  
18 THE EVIDENCE, I THINK, IS CLEAR THAT THESE PROOFS OF  
19 SERVICE ARE FRAUDULENT. AND WE THINK AS FAR AS JUST THE  
20 INTEGRITY OF THE COURT PROCESS, THIS IS BIGGER THAN JUST  
21 THIS CASE. THERE IS AN INTEGRITY OF THE COURT PROCESS.  
22 WE SHOULD BE ABLE TO RELY UPON THESE PROOFS OF SERVICE.

23 MR. THOMPSON: YOUR HONOR, WE BENT OVER  
24 BACKWARDS TRYING TO WORK WITH THESE DEFENDANTS'  
25 ATTORNEYS ON THE SERVICE ISSUES. WE MET AND CONFERRED  
26 IN WRITING. THEY -- IN TRYING TO GET THESE MOTIONS  
27 TAKEN OFF CALENDAR, WORK WITH THEM TO GET THE CASE AT  
28 ISSUE, THEY'VE REFUSED. WE, AS PLAINTIFF'S ATTORNEYS,

1 RELY ON PROCESS SERVERS, WHICH WE HIRED IN THIS CASE TO  
2 EFFECT SERVICE. AND ACCORDING TO OUR PROCESS SERVERS,  
3 THAT WAS DONE. THEY'RE DISPUTING THAT AND THAT'S THEIR  
4 RIGHT. BUT I AM ABLE TO RELY ON THE PROCESS SERVER THAT  
5 I HIRED WHO SIGNED THE DECLARATION AND SENT IT TO ME  
6 THAT I SERVED THESE PEOPLE ON THE DATES THAT I SAID THAT  
7 I DID. WHETHER THE VIDEO SHOWS WHAT IT SHOWS, I CAN'T  
8 SPEAK TO THAT.

9 THE COURT: WHAT PURPOSE WOULD BE SERVED BY  
10 STRIKING THE PROOF OF SERVICE?

11 MR. FORMAN: SPEAKING FOR MY CLIENTS, I DON'T  
12 WANT A PROOF OF SERVICE IN THE RECORD SAYING THAT WE  
13 WERE SERVED. I DON'T WANT A PROOF OF SERVICE IN THE  
14 RECORD SAYING WE WERE EVASIVE ON A DAY THAT THAT PROCESS  
15 SERVER NEVER EVEN SHOWED UP. AND I THINK THE PURPOSE  
16 THAT WOULD BE SERVED IS TO PROTECT THE INTEGRITY OF THE  
17 COURT.

18 THE COURT: WELL, THE -- ISN'T THE GRANTING OF  
19 THE MOTION TO QUASH, DOESN'T THAT PRESERVE THE INTEGRITY  
20 OF THE COURT?

21 MR. FORMAN: WELL, YOU GRANTED IT AS TO ONE  
22 DEFENDANT, WHO'S NOT APPEARED YET. BUT AS TO US, IT  
23 WAS, I SUPPOSE, DECLARED AS MOOT.

24 THE COURT: IT WAS MOOT.

25 MR. FORMAN: SO WE WOULD LIKE AN AFFIRMATIVE  
26 RULING THAT THE PROOFS BE STRICKEN AS FRAUDULENT.

27 MR. MANGELS: YOUR HONOR, CAN I ADD? IT'S  
28 ALSO, AGAIN, BEYOND THIS CASE. ONCE THEY PURPORTEDLY

1 SERVED US, THEY DID A MEDIA BLITZ. AND THIS CASE GETS A  
2 LOT OF PUBLICITY THROUGH ANTI-SCIENTOLOGY GROUPS. THEY  
3 DID A MEDIA BLITZ. THEY USED A SO-CALLED SERVICE FOR A  
4 MEDIA BLITZ. THAT WAS IMPROPER PROCEDURE. EVEN THOUGH  
5 THE FRAUDULENT SERVICE HAD OCCURRED, IT WAS FRAUDULENT.  
6 IT WASN'T CORRECT.

7 SECONDLY, THEY SAID THEY PROVIDED ONE OF THEIR  
8 PROCESS SERVERS, MR. HALL. MR. PINK -- GREAT NAME --  
9 BUT MR. PINK WAS SUPPOSEDLY GUIDED, DID THE SERVICE, AND  
10 PUT IT IN THE MAIL. THERE'S NO DECLARATION FROM  
11 MR. PINK THAT IT HAPPENED. SO IT'S UNCONVERTED --  
12 CONTROVERTED EVIDENCE THAT THEY WERE NEVER MAILED TO US.  
13 SO THEY HAVEN'T CROSSED THEIR "T'S" AND DOTTED THEIR  
14 "I'S" AND THEY'VE REALLY DONE IT IMPROPER.

15 THE COURT: WELL, LET ME JUST PUT IT THIS WAY.  
16 THERE'S NO MOTION TO STRIKE BEFORE ME. I SUPPOSE THAT  
17 IF THERE WAS A MOTION TO STRIKE, THEN PERHAPS OTHER  
18 EVIDENCE WOULD BE SUBMITTED EITHER IN SUPPORT OR IN  
19 OPPOSITION TO IT. I'M NOT ENCOURAGING A MOTION TO  
20 STRIKE. I, AGAIN, DON'T REALLY SEE HOW THERE'S  
21 PREJUDICE TO THE DEFENDANTS BY VIRTUE OF A PROOF OF  
22 SERVICE, WHETHER IT'S FRAUDULENT AS YOU SAY OR NOT. I  
23 CAN'T SAY THAT IT WAS FRAUDULENT. SO I DON'T THINK THAT  
24 THE EVIDENCE WOULD BE SUFFICIENT FOR ME TO DO WHAT  
25 YOU'RE ASKING ME EVEN IF -- EVEN IF I WAS INCLINED TO DO  
26 IT. ALL I KNOW IS THAT THERE WAS A PROOF OF SERVICE.  
27 THERE WAS A MOTION TO QUASH, AND PLAINTIFF IS AMENDING  
28 THE COMPLAINT AND WE'LL RE-SERVE IT. SO THAT REQUEST IS

1 DENIED.

2 MR. MANGELS: THANK YOU.

3 THE COURT: LET'S PICK A DATE THEN TO COME  
4 BACK.

5 MR. MANGELS: FOR THE CMC?

6 THE COURT: FOR THE CMC.

7 MR. RIFFER: YOUR HONOR, AFTER ALL THE PAPERS  
8 ARE GETTING FILED SINCE THERE'S GOING TO BE MORE MOTIONS  
9 TO COMPEL ARBITRATION AND MORE DEMURRERS, IT MIGHT BE  
10 MORE APPROPRIATE, AGAIN, NO ONE'S ANSWERED, TO PICK A  
11 DATE ONE -- WHERE ONE OF THOSE HEARINGS WHICH HAVEN'T  
12 BEEN SET YET. IT MAY BE MORE ADMINISTRATIVE RATHER THAN  
13 DRAG ALL OF THESE LAWYERS JUST DOWN FOR A CMC  
14 STANDALONE.

15 THE COURT: SURE.

16 MR. RIFFER: SO WE CAN PICK A DATE ONCE THESE  
17 MOTIONS GET BRIEFED.

18 THE COURT: HAVE YOU -- HAS ANYBODY RESERVED  
19 DATES YET FOR THOSE?

20 MR. MANGELS: NO, WE HAVEN'T.

21 MR. FORMAN: NO, YOUR HONOR.

22 THE COURT: OKAY. WHAT WE'LL DO IS WE'LL PUT  
23 IT OUT SUFFICIENTLY FAR IN ADVANCE SO THAT YOU CAN --  
24 WHEN YOU GO TO RESERVE A DATE, YOU TRY AND RESERVE THAT  
25 DATE. AND IF YOU CAN'T AND YOU HAVE TO RESERVE  
26 DIFFERENT DATES, THEN YOU CAN ALWAYS GIVE ME A  
27 STIPULATION AND ORDER TO MOVE THE CASE MANAGEMENT  
28 CONFERENCE OVER TO ONE OF THOSE DATES. BUT I DON'T

1       THINK IT WILL ALLOW YOU TO -- I MEAN, DO WE -- IS IT  
2       NECESSARY TO HAVE THE -- THERE'S ONE DEMURRER, DID YOU  
3       SAY, OR THERE'S MULTIPLE DEMURRERS?

4                   MR. MANGELS: THERE'S MULTIPLE DEMURRERS.

5                   MR. FORMAN: THERE WILL BE MULTIPLE DEMURRERS  
6       BECAUSE DIFFERENT DEFENDANTS ARE BEING --

7                   THE COURT: THOSE WHO DON'T HAVE AN ARBITRATION  
8       AGREEMENT?

9                   MR. BRETTLER: IN THIS CASE OF MY CLIENT, YES.

10                  MR. MANGELS: IN OUR CASE, THERE'S ONE THAT  
11       DOES NOT HAVE AN ARBITRATION. THERE WILL BE DIFFERENT  
12       DEFENDANTS BRINGING IT, BUT YES, ONE FOR THAT PLAINTIFF.

13                  THE COURT: OH, I SEE.

14                  MR. BRETTLER: BUT MY CLIENT DOESN'T HAVE THIS  
15       ARBITRATION AGREEMENT, SO WE ARE PROCEEDING WITH THE  
16       DEMURRER.

17                  THE COURT: OKAY. SO CURRENTLY WE HAVE THE  
18       DEMURRER HEARINGS SET BEFORE THE MOTION TO COMPEL.

19                  MR. BRETTLER: WE DON'T HAVE ANY HEARING DATE  
20       SET FOR EITHER OF THE MOTIONS -- FOR ANY OF THE MOTIONS  
21       YET.

22                  THE COURT: WELL, WE DID.

23                  MR. BRETTLER: CORRECT.

24                  MR. RIFFER: FOR THE ORIGINAL COMPLAINT, NOT  
25       THE FIRST AMENDED COMPLAINT.

26                  THE COURT: RIGHT. AND SO I'M JUST WONDERING,  
27       IS IT BETTER TO -- FOR YOU TO RESERVE EARLIER DATES FOR  
28       THE DEMURRERS THAN THE MOTIONS TO COMPEL ARBITRATION

1 THAT WE CURRENTLY HAVE BEEN SET.

2 MR. BRETTLER: I ACTUALLY THINK IT'S PROBABLY  
3 PROPER FOR THE COURT TO RULE ON THE MOTIONS TO COMPEL  
4 FIRST. BUT IT'S NOT MY MOTION.

5 MR. FORMAN: I THINK THERE'S AN ARGUMENT THAT  
6 WE'D LIKE TO HEAR. AT LEAST OUR DEMURRER TO BE HEARD IN  
7 ADVANCE OF THE MOTIONS TO COMPEL ARBITRATION.

8 THE COURT: OKAY. WELL, THEN LET'S GO OUT  
9 ABOUT MAYBE 90 DAYS.

10 MR. MANGELS: FOR THE CMC?

11 THE COURT: FOR THE CMC.

12 THE CLERK: JUNE 9TH.

13 MR. RIFFER: IT'S PROBABLY GOING TO GET  
14 CANCELLED, BUT COULD WE DO IT ABOUT TEN DAYS AFTER THAT.  
15 I'M SUPPOSED TO BE OUT OF TOWN WITH INTERNATIONAL  
16 TRAVEL. I DON'T THINK THAT WE'RE GOING IN LIGHT OF  
17 READING THE NEWSPAPER EVERY MORNING. WOULD YOU MIND IF  
18 IT WAS ON JUNE 19TH?

19 THE CLERK: JUNE 19TH IS GOOD.

20 THE COURT: IS GOOD.

21 THE CLERK: YES.

22 MR. RIFFER: I APPRECIATE IT EVEN THOUGH, AS I  
23 SAID, BY READING THE NEWSPAPER, I'LL PROBABLY BE HERE.  
24 THANK YOU VERY MUCH.

25 THE COURT: WHO KNOWS. SO JUNE 19TH AT 8:30.  
26 NOT SURE IF THERE'S ANYTHING ELSE THAT I WANTED TO -- I  
27 THINK THAT'S ABOUT IT.

28 MR. THOMPSON: THANK YOU, YOUR HONOR.

1 MR. RIFFER: THANK YOU, YOUR HONOR.

2 MR. FORMAN: THANK YOU, YOUR HONOR.

3 THE COURT: NOTICE -- DOES ANYONE WANT TO GIVE  
4 NOTICE?

5 MR. BRETTLER: NOTICE IS WAIVED FOR MY CLIENT.

6 MR. MANGELS: MINE TOO.

7 MR. THOMPSON: WE'LL NOTICE, YOUR HONOR. AND  
8 WE'LL HAVE THE SUPPLEMENTAL DECLARATIONS FILED ON  
9 MONDAY.

10 THE COURT: WHAT ABOUT THE PRO HOC MOTIONS,  
11 THOUGH? ARE WE -- DO WE NEED TO SET ANOTHER HEARING FOR  
12 THOSE?

13 MR. MANGELS: I THINK THEY HAVE TO FILE THEM  
14 WITH THE HEARING DATE.

15 THE COURT: WELL, THEY'RE GOING TO DO  
16 SUPPLEMENTAL PAPERS. SO I THINK WE NEED ANOTHER HEARING  
17 DATE FOR THAT; RIGHT? SO WE'LL SET THEM IN ABOUT 30  
18 DAYS.

19 MR. MANGELS: YES.

20 MR. FORMAN: YES, YOUR HONOR.

21 THE COURT: WE DO NEED ANOTHER HEARING DATE.

22 THE CLERK: APRIL 10TH.

23 THE COURT: APRIL 10TH AT 8:30?

24 MR. THOMPSON: YOUR HONOR, IT'S MY KID'S SPRING  
25 BREAK. I'LL BE OUT OF TOWN THAT WEEK.

26 THE COURT: OKAY.

27 MR. THOMPSON: THE FOLLOWING WEEK?

28 THE COURT: APRIL 17TH.

1           MR. THOMPSON: I'M SORRY TO BE DIFFICULT, YOUR  
2 HONOR. BUT I HAVE A SUMMARY JUDGMENT HEARING IN SAN  
3 MATEO THAT DAY.

4           THE COURT: OKAY.

5           THE CLERK: APRIL 22ND.

6           MR. THOMPSON: THANK YOU, YOUR HONOR.

7           THE COURT: APRIL 22ND AT 8:30?

8           MR. FORMAN: YES, YOUR HONOR. THANK YOU.

9           THE COURT: YOU'RE WELCOME. OKAY.

10          MR. RIFFER: THANK YOU, YOUR HONOR.

11          THE COURT: YOU'RE WELCOME.

12          MR. BERRY: THANK YOU, YOUR HONOR.

13          MR. MANGELS: THANK YOU.

14          MR. THOMPSON: THANK YOU, YOUR HONOR. HAVE A  
15 NICE DAY.

16          THE COURT: YOU TOO.

17

18          (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

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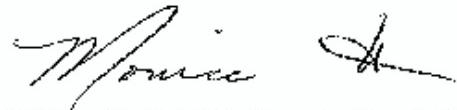
28

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF LOS ANGELES, CENTRAL DISTRICT  
3 DEPARTMENT 57 HON. STEVEN J. KLEIFIELD, JUDGE  
4

5 CRISSIE CARNEL BIXLER; CEDRIC )  
6 BIXLER-ZAVALA; JANE DOE #1; MARIE )  
7 BOBETTE RIALES; AND JANE DOE #2, )  
8 ) CASE NO.  
9 PLAINTIFF, ) 19STCV29458  
10 )  
11 V. )  
12 )  
13 CHURCH OF SCIENTOLOGY )  
14 INTERNATIONAL; RELIGIOUS TECHNOLOGY )  
15 CENTER; CHURCH OF SCIENTOLOGY ) REPORTER'S  
16 CELEBRITY CENTRE INTERNATIONAL; ) CERTIFICATE  
17 DAVID MISCavige; DANIEL MASTERSON; )  
18 AND DOES 1-25, )  
19 )  
20 DEFENDANTS. )  
21 )  
22

23 I, MONICA CASTANEDA, CSR NO. 10323, OFFICIAL  
24 REPORTER, PRO TEMPORE OF THE SUPERIOR COURT OF THE STATE  
25 OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY  
26 CERTIFY THAT THE FOREGOING PAGES 1 THROUGH 15,  
27 INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT  
28 COMPUTER-AIDED TRANSCRIPT OF THE PROCEEDINGS TAKEN IN  
THE ABOVE-ENTITLED MATTER ON MARCH 11, 2020.

DATED THIS 25TH DAY OF MARCH, 2020.



MONICA CASTANEDA, CSR 10323  
OFFICIAL REPORTER PRO TEMPORE

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# **EXHIBIT B**

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7                   International and Celebrity Centre International

8                   **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9                   **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10  
11                  CHRISSIE CARNEL BIXLER; CEDRIC  
12                  BIXLER-ZAVALA; JANE DOE #1; MARIE  
12                  BOBETTE RIALES; and JANE DOE #2,

13                  Plaintiff,

14                  v.

15                  CHURCH OF SCIENTOLOGY  
16                  INTERNATIONAL; RELIGIOUS  
16                  TECHNOLOGY CENTER; CHURCH OF  
17                  SCIENTOLOGY CELEBRITY CENTRE  
17                  INTERNATIONAL; DAVID MISCAVIGE;  
18                  DANIEL MASTERSON; and DOES 1-25,

19                  Defendants.

20                  CASE NO. 19STCV29458  
20                  *Assigned to Hon. Steven J. Kleifield,  
21                  Dept. 57*

22                  **DECLARATION OF LEWIS MIRANDA  
23                  IN SUPPORT OF SPECIALLY-  
23                  APPEARING DEFENDANTS CHURCH  
24                  OF SCIENTOLOGY INTERNATIONAL  
24                  AND CELEBRITY CENTRE  
24                  INTERNATIONAL'S MOTION TO  
24                  QUASH**

25                  *[Filed Concurrently with Motion to Quash,  
26                  Request for Judicial Notice, Declarations of  
26                  Lynn R. Farny, William Forman, and  
26                  Margaret Marmolejo, and [Proposed] Order]*

27                  Date: Feb. 4, 2020  
27                  Time: 8:30 a.m.  
27                  Dept.: 57

28                  **RESERVATION NO. 301997851335**

**DECLARATION OF LEWIS MIRANDA**

1           I, Lewis Miranda, declare as follows:

2           1)       I am a receptionist for the building located at 6331 Hollywood Boulevard, Los  
3 Angeles, CA 90028 ("6331 Hollywood Boulevard"). I have held this position for 23 years. I have  
4 personal knowledge of the facts set forth herein, except as to those stated on information and  
5 belief and, as to those, I am informed and believe them to be true. If called as a witness, I could  
6 and would competently testify to the matters stated herein.

7           2)       On October 10, 2019, a man (the "Man") entered 6331 Hollywood Boulevard and  
8 approached the reception desk while I was stationed at the reception desk. He did not provide his  
9 name. The Man told me that he had papers to serve on the Church of Scientology International.  
10 In response, I informed the Man that I was not authorized to receive any legal documents. I told  
11 him that such papers do not come to 6331 Hollywood Boulevard, but must go to the registered  
12 agent for service of process. The Man asked for the address of the registered agent for service of  
13 process. I told him to check on the Secretary of State website and that the legal office that directed  
14 him to serve the papers could look up that information. The Man insisted that he had to deliver  
15 the papers at 6331 Hollywood Boulevard. He then placed several documents on the security desk  
16 in front of me and left the building.

17           3)       The papers were not in envelopes. They were arranged in five bundles, separately  
18 stapled together. Attached as Exhibits A-E are copies of the papers that the Man left at 6331  
19 Hollywood Boulevard on October 10, 2019.

20           4)       During the conversation on October 10, 2019, the Man never mentioned Church of  
21 Scientology Celebrity Centre International or Religious Technology Center or indicated that he  
22 was delivering anything for Church of Scientology Celebrity Centre International or Religious  
23 Technology Center.

24           5)       During the conversation on October 10, 2019, the Man never mentioned David  
25 Miscavige or Daniel Masterson or indicated that he was delivering anything for Mr. Miscavige or  
26 Mr. Masterson.

27  
28

1           6) I was stationed at the front desk of 6331 Hollywood Boulevard during business  
2 hours on October 7, 10, 15, and 17, 2019 beginning at 8:30 a.m. I was relieved at noon for a half  
3 an hour for lunch on each of those days. The Man did not enter 6331 Hollywood Boulevard on  
4 October 7, 15, or 17, 2019 while I was on duty, and he did not enter 6331 Hollywood Boulevard  
5 more than once on October 10, 2019 while I was on duty. I did not have a conversation with him  
6 on October 7, 2019.

7           7) The Man did not deliver any papers to 6331 Hollywood Boulevard on October 17,  
8 2019 while I was on duty and did not deliver any papers to 6331 Hollywood Boulevard during the  
9 month of October 2019 directed to Mr. Miscavige or Mr. Masterson while I was on duty.

10

11           I declare under penalty of perjury under the laws of the State of California that the  
12 foregoing is true and correct.

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14           Executed on 18 of November, 2019 at Los Angeles, California.

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Lewis Miranda

## **PROOF OF SERVICE**

**Chrissie Carnell Bixler v. Church of Scientology International  
LASC Case No. 19STCV29458**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1900 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067-4308.

On September 22, 2020, I served true copies of the following document(s) described as  
**OPPOSITION OF DEFENDANT RELIGIOUS TECHNOLOGY CENTER TO MOTION  
TO SERVE BY PUBLICATION; DECLARATION OF MATTHEW D. HINKS** as follows:

**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Jeffer Mangels Butler & Mitchell LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

**BY OVERNIGHT DELIVERY:** I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 22, 2020, at Los Angeles, California.

Sheila Jimenez

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## SERVICE LIST

### **Chrissie Carnell Bixler v. Church of Scientology International LASC Case No. 19STCV29458**

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